

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
MARK DeGEORGE,

Plaintiff,

- against -

ACE AMERICAN INSURANCE COMPANY,

Defendant.
-----x

Civil No.
07 cv 2761
(RPP)

**NOTICE OF
CROSS-MOTION**

S I R S :

PLEASE TAKE NOTICE, that upon the annexed affidavit of VICTOR A. CARR, sworn to on October 22, 2007, the annexed exhibits, and upon all the pleadings and proceedings heretofore had herein, the undersigned will cross-move this Court before the Honorable Robert P. Patterson at the United States District Court, Southern District of New York, 500 Pearl Street, New York, N.Y. 10007, on November 15, 2007, at 9:30 o'clock in the forenoon of that day or as soon thereafter as counsel can be heard, for an order pursuant to FRCP 56(a), granting summary judgment to the plaintiff, precluding the defendant insurer from denying and/or disclaiming coverage under its policy of insurance and requiring the insurer to defend and indemnify the plaintiff for the personal injury claims of Renee Holstein arising out of the incident of July 4, 2005, and for such other, further and different relief as this Court may deem just and proper.

The above-entitled action seeks declaratory judgment.

DATED: Mineola, New York
October 22, 2007

STOCK & CARR, ESQS.

by: VICTOR A. CARR (VC 7542)

Attorney(s) for Plaintiff(s)
88 Second Street
Mineola, New York 11501
(516) 747-2478